

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission

From: Planning Division

Date: June 1, 2005

Re: **REZONING: R-4, Medium-High Density Multi-Family Residential District to B-1(c), Limited Business District (Conditional) at 430 Graves Mill Road.**

I. PETITIONER

Jerry E. Brammer, 1449 Graves Mill Road, Lynchburg, VA 24503

Representative: Jerry E. Brammer, 1449 Graves Mill Road, Lynchburg, VA 24503

II. LOCATION

The subject property is a tract of .6310 acres located at 430 Graves Mill Road, Lynchburg, VA 24501.

Property Owners: Michael B. Magri & Cristina M. Pacho, 132 Hunting Lane, Goode, VA 24556

III. PURPOSE

The purpose of this petition is to allow for the use of an existing building as a real estate office.

IV. SUMMARY

- The *Comprehensive Plan* recommends a Medium-Density Residential land use for this site. Existing land uses within the area include a single-family residential lot to the north of the property; the remaining properties adjacent to the site are commercial properties.
- Petition agrees with the Zoning Ordinance in that offices are permitted in a B-1 Limited Business District, provided that no merchandise, material or equipment is stored or kept on the premises for sale demonstration or repair.
- Mr. Brammer proposes to move his real estate office, Real Estate 2000, from his current Bedford County location to the property located at 430 Graves Mill Road. A rezoning is required to allow the use of the existing building on the site currently zoned R-4 Multi-Family Residential District, as a real estate office.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Medium-Density Residential development in this area. Medium-Density residential uses are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation uses, including country clubs and swim and racquet clubs, and private open space are also appropriate. Adjacent land uses as designated by the Future Land Use Map include a combination of medium-density, commercial, institutional and resource conservation properties.

The Future Land Use Map [FLUM] is not intended to be parcel specific. The FLUM also indicates Employment 1 and Community Commercial Uses in the immediate area. Given

existing zoning and adjacent land use patterns in the area, the proposed office is suitable on the property.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-4, Medium-High Density Multi-Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
 - 1) The property will be used for office purposes only.
 - 2) The property will be connected to the City's sewer system.
 - 3) All exterior lighting will be non-directional and glare shielded.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed office use.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - 4/10/1979: City Council approved BPO Elk's Lodge #321's CUP petition to construct a new lodge at 6235 Old Mill Road.
 - 10/8/1991: City Council approved Babcock & Wilcox's CUP petition to erect a microwave transmission tower at 155 Mill Ridge Road.
 - 10/13/1992: City Council approved amendments to The Lynchburg General Plan, The Official Zoning Map and Section 35.1-43.3 *Scenic Corridor Overlay District* of the City Zoning Ordinance to rezone the Graves Mill/US 221 Area and designate certain parts of that area as Scenic Corridor.
 - 3/9/1993: City Council approved Obaugh Chevrolet, Geo & Cadillac's petition to rezone 17.4 acres at 801 Graves Mill Road from B-5(c) to B-5(c) by amending the previously approved proffers and site plan to allow the expansion of an automobile body shop.
 - 12/12/1995: City Council approved James Anderson's petition to rezone 2.95 acres at 327 Graves Mill Road from I-1 to B-5(c) for the expansion of an existing commercial amusement facility.
 - 12/9/1997: City Council approved William Overacre's petition to rezone 9 acres at 427 Graves Mill Road from I-1 to B-3(c) to allow for the construction and operation of buildings for commercial service and retail use.
 - 5/11/1999: City Council approved D. Scott and Richard Zechini's petition to rezone the 400 block of Graves Mill Road from R-4 to B-1(c) (conditional) and a CUP for the construction of a cluster commercial development at 424 Graves Mill Road.
 - 6/8/1999: City Council approved Rock Castle Partners petition to rezone 20 acres of the 700 block of Graves Mill Road from I-1 to B-3(c) (conditional) to allow speculative office, restaurant and retail sales uses.
 - 10/10/2000: City Council approved L. E. Lichford, Inc.'s CUP petition to develop a truck refueling facility at 166 Mill Ridge Road.

6. **Site Description.** The subject property is bounded to the northwest by a single family residential lot and to the southwest, northeast and southeast by commercial properties.
7. **Proposed Use of Property.** The purpose of the rezoning is to allow the use of an existing building as a real estate office. The petitioner has voluntarily proffered that, if the re-zoning is approved, the property will be limited to office use only.
8. **Traffic and Parking.** The City's Traffic Engineer has noted that sight distance for vehicles coming out of the driveway is approximately one hundred fifty (150) feet short due to the road bank and the curvature of the road. However, the proposed use will actually generate less daily trips than the full "build out" permitted by the existing zoning. It was estimated that this site could have twelve (12) to fourteen (14) residential units permitted "by right" under the current R-4 designation. When comparing trip generation between the full "build out" of the residential and the proposed office, the office generated considerably less trips than the twelve (12) to fourteen (14) residential units. As a consequence, the rezoning of this property may reduce the risk of a potential concern at this driveway.

Parking requirements for the proposed development are one (1) space for every three hundred (300) square feet of gross floor area, exclusive of utility areas. The site plan indicates that the floor area of the building is one thousand three hundred, forty four (1,344) square feet; as such, five (5) spaces are required for the office. The site plan shows that five (5) parking spaces will be provided to meet the requirement of City Code.

9. **Storm Water Management.** New impervious area exceeds one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction of the paved driveway. The increase in post-development runoff conditions due to the new impervious area will be managed through the use of a proposed mulched landscape bed adjacent to the driveway.
10. **Impact.** The change in use of the existing building to a real estate office will have limited impacts on the surrounding neighborhood. The design and layout of the current building is acceptable.

Parking and traffic requirements have been sufficiently met for the project. Lighting will be installed within the parking area for safety. The petitioner has voluntarily proffered that the lights will be non-directional and glare-shielded to prevent illumination across the property line onto adjacent properties.

A portion of the property is located within the Scenic Corridor Overlay District. The City's Urban Forester has determined that the preservation of the existing large trees on the site along with the proposed landscaping is sufficient to meet the 15% landscaping requirement. In addition, two trees will be added at the northeast corner of the property to buffer the existing residence.

The addition of a paved driveway will increase new impervious area on the site by slightly more than the one thousand (1,000) square foot threshold. Due to the minor increase in runoff from the new area, the City's Environmental Planner has determined that a mulched landscape bed installed adjacent to the driveway will be sufficient to address stormwater quantity and quality requirements.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 3, 2005. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMENDED MOTION:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Jerry E. Brammer's petition to rezone the property located at 430 Graves Mill Road from R-4, Medium-High Density Multi-Family Residential District to B-1, Limited Business District (Conditional).

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith A. Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent L. White, Senior Planner
Ms. Erin M. Bryant, Environmental Planner
Mr. Jerry E. Brammer, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)